

1 JUDGE DAVID G. ESTUDILLO
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 MICHAEL JASON LAYES
a/k/a MIKEY DIAMOND STARRETT,

13 Defendant.

14 NO. CR21-5334DGE

15 STIPULATED MOTION TO
CONTINUE PRETRIAL
MOTIONS CUTOFF DATE,
PRETRIAL CONFERENCE AND
TRIAL DATE

16 NOTED: January 7, 2022

17 COMES NOW the defendant, Michael Jason Layes a/k/a Mikey Diamond Starrett, by and
18 through his attorney, Lance M. Hester of the HESTER LAW GROUP, INC., P.S., and moves this
19 Court for an order continuing the pretrial motions cutoff date, pretrial conference and trial date
20 presently scheduled for February 8, 2022.

21 THIS MOTION is based on the files and records herein and the Declaration of Lance Hester
22 filed in support thereof, and 18 U.S.C. §§ 3161(h)(7)(B)(iv), (h)(1)(D), and (h)(7)(A).

23 RESPECTFULLY SUBMITTED this 30th day of December, 2021.

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25 HESTER LAW GROUP, INC., P.S.
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/s/ Lance M. Hester
Lance M. Hester, WSBA #27813
Attorney for Defendant
lance@hesterlawgroup.com

STIPULATED MOTION & DECLARATION TO CONTINUE
PRETRIAL MOTIONS CUTOFF, PRETRIAL CONFERENCE
AND TRIAL DATE - 1

HESTER LAW GROUP, INC., P.S.
1008 So. Yakima Ave., Suite 302
Tacoma, WA 98405
(253) 272-2157 / Fax: (253) 572-1441
www.hesterlawgroup.com

1 I, Lance Hester, hereby declare as follows:

2 That I am the attorney for the defendant herein and make this declaration in support of
3 defendant's motion to continue.

4 As the Court is aware, on December 19, 2021, this case was set for trial to occur on
5 December 6, 2021 and I was then appointed to represent Mr. Starrett. Until November 19,
6 2021, Mr. Starrett was self-represented/pro-se, and I was acting as standby counsel.

7 I am unable to be prepared for trial by the currently scheduled trial date. During the
8 November 19, 2021 hearing, Mr. Starrett expressed, on the record, his willingness to have the
9 matter continued in the event I determined I was unable to prepare and proceed to trial. The
10 Court granted that motion. But additional time is necessary to properly prepare.

11 I am now requesting a trial date of May 23, 2022, and Mr. Starrett has signed a waiver
12 of speedy trial through May 31, 2022.

13 I have communicated about this with AUSA Rebecca Cohen who has no objection to
14 this continuance request.

15 Upon my recent request, the government promptly provided additional discovery two
16 weeks ago. This particular batch of discovery has raised legal issues that require a significant
17 amount of research and work not previously anticipated.

18 The Court previously continued the case from December to February. My request to
19 continue the case from February 8, 2022 to May 23, 2022 is essential, given the amount of
20 work needed to fully address the issues in this case prior to a trial.

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27 STIPULATED MOTION & DECLARATION TO CONTINUE
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1 I hereby declare under penalty of perjury under the laws of the State of Washington that
2 the foregoing is true and correct.

3 DATED this 30th day of December, 2021 at Tacoma, Washington.

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6 Lance M. Hester
7 WSBA #27813
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STIPULATED MOTION & DECLARATION TO CONTINUE
PRETRIAL MOTIONS CUTOFF, PRETRIAL CONFERENCE
AND TRIAL DATE - 3

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CERTIFICATE OF SERVICE

Lee Ann Mathews, hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date set forth below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the plaintiff and co-defendants, if any, and I hereby certify that I have mailed the document by U.S. Postal Service to Michael Jason Layes, a/k/a Mikey Diamond Starrett, defendant.

Signed at Tacoma, Washington this 30th day of December, 2021.

/s/ Lee Ann Mathews
LEE ANN MATHEWS

STIPULATED MOTION & DECLARATION TO CONTINUE
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AND TRIAL DATE - 4

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